

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SARAH MOLINA, CHRISTINA)
VOGEL, and PETER GROCE,)
)
Plaintiffs,)
)
v.)
)
CITY OF ST. LOUIS, MISSOURI,)
COUNTY OF ST. CLAIR, ILLINOIS,)
And, OFFICERS JOHN DOES I–VI,)
)
Defendants.)

Case No. 17–CV–2498–AGF

ST. CLAIR COUNTY ILLINOIS’ MOTION TO DISMISS

COMES NOW, St. Clair County, Illinois, by and through its counsel of Becker, Hoerner, Thompson & Ysursa, P.C., and pursuant to Federal Rule of Civil Procedure 12(b)(6), moves this Honorable Court to dismiss the Plaintiff’s Complaint, and in support thereof, state as follows:

1. On September 29, 2017, Plaintiffs, Sara Molina, Christina Vogel, and Peter Groce, filed their two-count Complaint, pursuant to 42 U.S.C §1983, against this Defendant as well as Defendant City of St. Louis, Missouri and John Doe Officers.

2. Through 42 U.S.C. §1983 and the Fourteenth Amendment, the Plaintiffs assert one count of First Amendment retaliation and one count of Fourth Amendment excessive force against St. Clair County, Illinois.

3. The facts alleged by Plaintiffs are insufficient to state a claim of liability against St. Clair County, Illinois.

4. Plaintiffs’ Complaint fails because Plaintiffs do not identify an individual officer responsible for their alleged injuries, Plaintiffs plead an impermissible *respondeat superior* claim,

and both Counts of Plaintiffs' Complaint plead conclusions and suppositions rather than stating facts to support a claim of *Monell* liability for a policy, custom, or failure to supervise against St. Clair County, Illinois.

5. A memorandum of law accompanies this Motion to Dismiss and is incorporated herein, by reference.

WHEREFORE, Defendant, St. Clair County, Illinois, respectfully requests this Honorable Court grant St. Clair County, Illinois' Motion to Dismiss, enter an ordering dismissing Plaintiffs' Complaint, and for any other relief as this Court deems just and proper.

Respectfully submitted,

s/ Thomas R. Ysursa

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on **November 1, 2017**, I electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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s/Tonya Loehring